

CHAPTER 22

STOCKBRIDGE-MUNSEE COMMUNITY FOREST RESOURCES REGULATIONS

Formerly: Stockbridge-Munsee Forestry Committee Policies and Procedures - 1980

Section 22.1 Mission Statement

The Stockbridge-Munsee Forestry Committee was created to aid in the protection and conservation of the forest resources of the Stockbridge-Munsee Band of Mohican Indians. The purpose of the Committee is to act as an advocate for and make recommendations to the Stockbridge-Munsee Tribal Council in all forestry related matters.

Section 22.2 Objectives

(A) The Forestry Committee's objectives are:

- (1) Protection of any and all of the forest assets of the Tribe
- (2) Preservation and maintenance of our forests for future generations
- (3) Maintenance of logging roads
- (4) Assurance of proper logging practices
- (5) Consideration of wildlife and wildlife habitat
- (6) To annually set aside 10% of Proceeds of Labor monies for future land acquisition.

(B) These policies and procedures have been adopted by the Forestry Committee to govern the forestry resources of the Stockbridge Munsee Band of Mohican Indians.

Section 22.3 Permits and Allowable Cuts

The following permits are available:

(A) **LOGGING PERMIT:** Permit to cut hardwood timber for sale. There is a \$2500.00 limit stumpage value on this permit. Any higher stumpage value necessitates a contract with the Tribe. One permit per year for any individual is allowable.

(B) **PULPWOOD PERMIT:** Permit to cut pulpwood for sale. There is a \$2500.00 stumpage value on this permit. Any higher stumpage value necessitates a contract with the Tribe. One permit per year for any individual is allowable.

(C) WOOD CUTTING PERMIT: Permit to cut firewood for sale. There is a \$2500.00 stumpage value limit on this permit. Any higher stumpage value necessitates a contract with the Tribe. One permit per year for any individual is allowable.

(D) FOREST PRODUCTS PERMIT: Permit to cut or harvest any other forest products for sale, such as evergreens, ferns, cedar, white birch, etc.

(E) FREE-USE PERMIT:

(1) FIREWOOD PERMIT: Permit to cut fuel wood for personal use. There is no stumpage charge. No products cut for personal use may be sold or exchanged for cash, goods, or other services. There is a limit at this time on allowable cordage for firewood. Twenty (20) single face cords of fuel wood shall be the maximum allowable cut per heating season per household. A single face cord is defined as 4 feet high, x 8 feet long with the firewood sticks up to 24 inches long. You must signify the amount of cords needed and the length of the sticks at the time you apply for the permit. Additional cordage may be requested after the allowable limit is used, and may be granted at the discretion of the Forestry Committee.

(2) DOMESTIC PERMIT: Permit to cut timber and/ or forest products for own personal use and benefit such as home construction, fence posts, etc. There is no stumpage charge. No products cut for personal use may be sold or exchanged for cash, goods, or other services. Applicant shall state what materials are needed and amount needed.

(F) EXCLUSION: No cutting of Christmas tree over 3" in diameter (DBH).

Section 22.4 Eligibility for Permits

General eligibility for permits is to enrolled members of the Tribe who are at least 18 years of age. However, the following conditions and/or restrictions shall apply:

(A) LOGGING, PULPWOOD, AND WOOD CUTTING PERMITS: Enrolled members of the Tribe at least 18 years of age shall have priority to receive these permits. The permittee must be in the woods engaging in the actual logging or woodcutting practice. The permittee must follow the conditions as stated on the permit. If not enough enrolled members are available to harvest the needed annual allowable cut, permits may be given to non-enrolled spouses of Stockbridge-Munsee members. The same conditions as for the enrolled permittee shall apply.

(B) FOREST PRODUCTS PERMIT: Only enrolled members of the Tribe who are at least 18 years of age may be issued this permit.

(C) FREE-USE PERMITS: Enrolled members of the Tribe at least 18 years of age may be issued this permit; except free use permits for timber will only be granted to enrolled members living within the original boundaries on trust land. Non-enrolled family household members will be allowed to cut fuel wood for the household of the enrolled S/M permittee. In a case where a household on trust land consists of dependent enrolled children under 18 and a single head of

household who is non-enrolled, a special permit may be issued to the non enrolled head to allow fuel wood to be cut for household.

Section 22.5 Issuance of Permits

The senior game warden of the Stockbridge-Munsee Tribe and the BIA Forester assigned to the Tribe are authorized to issue any Free-Use Firewood Permits. A copy of the enrollment record of the S/M Tribe will be at their disposal to determine if an applicant for a permit is eligible to receive such permit. All other permits shall be authorized by the Tribal Council.

Section 22.6 Denial of Permit(s)

(A) Anyone owing any forestry related debt to the Tribe shall not be granted any permit.

(B) Reasons for denying permits or contracts:

(1) poor past logging practices,

(2) stumpage debts owed,

(3) timber trespass (es).

Section 22.7 Stumpage

There shall be a stumpage charge on all timber cut and/or Forest Products removed from S/M lands which the permittee shall offer for sale. Rates in effect at the time of the issuance shall apply.

Section 22.8 Scaling

(A) LOGGING, PULPWOOD, AND WOODCUTTING PERMITS and FOREST PRODUCTS PERMITS: Scaling will be done by the BIA Forester assigned to the Tribe. No wood cut on the reservation shall leave the reservation without being scaled.

(B) FREE-USE PERMITS: Residents of Reservation (Trust Land) - Scaling will be done at permittee's home by designated checker.

(C) Non-residents - Scaling must be done before the woods products leave the reservation. The permittee shall notify the warden or designated checker of the time of removal of the woods products at least a week in advance. A transporting permit will be issued to the permittee. At the time of removal the warden or designated checker shall scale and/or check the amount cut.

Section 22.9 Areas of Cutting

All areas for harvesting forest products under any and all permits shall be designated by the BIA Forester assigned to the Tribe; except there will be no cutting within 200 feet of the two main rivers.

LEGISLATIVE HISTORY

Conservation Code was adopted by Tribal Council at a meeting held November 14, 1978 (Resolution #0637).

Sent to BIA - Great Lakes Agency approved on 11/17/78 by the Superintendent.

Letter from Elmer T. Nitzschke, Field Solicitor to Edwin Demery, Area Director of Minneapolis Area Office on comments dated January 24, 1979.

Memo from Minneapolis Area Office Director to Superintendent of Great Lakes Agency enclosed was the Solicitor's review of the S/M Conservation Code dated Feb. 9, 1979.

Letter to Tribal Chairman from Acting Superintendent of Great Lakes Agency which stated the approval of the Code and Field Solicitor's comments to the Area Director dated February 15, 1979.

Resolution #0641 making changes to the Conservation Code (Section 22.01) dated January 29, 1979.

Resolution #0730 is adopting Forestry Committee's Policies and Procedures to govern the forestry resources dated November 8, 1980.

Resolution #0746 making changes to Section 22.01 and 23.02 of the Conservation Code dated May 2, 1981.

Resolution #0766-1 making changes to Section 13.02 and 13.03 of the Conservation Code dated August 8, 1981.

Resolution #0766 making changes to Section 32.04 and 32.04(a)(b) of the Conservation Code dated August 8, 1981.

Resolution #1026 adding a new section titled "Denial of Permit(s)" and adding new provisions to appropriate sections dated June 2, 1987. It was approved on June 16, 1987 by Council.

Ordinance Committee approved to go to Tribal Council for review at the November 28, 1988 Committee meeting with appropriate changes.

Tribal Council action to post at January 3, 1989.

Tribal Council approved on February 7, 1989 - Resolution #1127.

Recommended changes by the BIA passed by Tribal Council Resolution #1161 on July 18, 1989.

Section 20.16 (W) and 20.23 (C) added by Council resolution 102-97, January 8, 1997.

Amended by Council motion of Council, July 15, 1997. New provisions include allowing minor-aged direct descendants to hunt during tribal season, shortening of deer gun season; adding turkey season guidelines; changing brook trout and bass bag limits; prohibiting 4-wheel drive vehicles on logging roads during spring break up; closing road south of Richard's Bridge; mandatory registration; wildlife count.